

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD ROBERT HAMILTON, *et al.*,

Defendants.

CASE NO. CR11-0415-JCC

ORDER

This matter comes before the Court on the Defendant Gary Aardema's Motion to Seal Exhibit 1 to Defendant's Sentencing Memorandum. (Dkt. No. 1055.) Having considered the briefing and the relevant record, the Court GRANTS the motion for the reasons below.

I. DISCUSSION

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017).

Aardema asserts that Exhibit 1 to his sentencing memorandum contains information of a

1 “sensitive and confidential nature . . . which, if made public, could result in irreparable harm to
2 [him] and his family.” (Dkt. No. 1055 at 1.) The Court has reviewed Exhibit 1 and finds that sealing
3 serves a compelling interest in protecting the privacy and safety of Aardema and his family. The
4 procedural posture of the case—Aardema has already been sentenced—also favors sealing. *Cf.*
5 *Perry v. Brown*, 667 F.3d 1078, 1087 (9th Cir. 2012) (parties’ reliance interest in maintaining
6 confidentiality of previously sealed records favored keeping them under seal). There is a
7 substantial likelihood of harm to these interests if the exhibit is unsealed, and there are no less
8 restrictive ways for protecting these interests. Additionally, Aardema’s motion is unopposed.

9 **II. CONCLUSION**

10 For the foregoing reasons, the Court hereby GRANTS Aardema’s motion (Dkt. No.
11 1055).

12 DATED this 9th day of September 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE